

REMARKS

I. Claim Status

It is believed that Claims 12-38 are currently pending in the application. Claims 1-11 were previously cancelled in the response filed February 28, 2005. The Examiner has allowed Claims 1-20 however. If the Examiner has examined Claims 1-11 and found them to be allowable applicants respectfully request that they be added back to the instant application. Clarification is respectfully requested. Claim 21 has been rejected under 35 USC §112 1st paragraph. Claims 22-38 are objected to as being dependent upon a rejected base claim.

Claim 21 has been amended to delete the term “halogenated alkyl” and replaced it with “haloalkyl”.

II. Rejection Under 35 USC §112 1st paragraph

Claim 21 has been rejected under 35 USC §112 1st paragraph as failing to comply with the written description requirement. The Examiner contends that the terminology “halogenated alkyl” and “halogenated alkoxy” is not disclosed or suggested by the specification as originally filed. Applicants respectfully traverse this rejection.

Without conceding the Examiners position the term “halogenated alkyl” has been deleted and replaced with “haloalkyl”. The term “haloalkyl” is disclosed and defined in the specification as filed at paragraph [0134] of the corresponding published US patent application 2004/0116690 (see attached). It is contended however that the terms “haloalkyl” and “halogenated alkyl” are synonymous.

Applicants contend that the terminology “halogenated alkoxy” is disclosed in the specification as originally filed. The term “alkyl” is defined in the specification as filed at paragraph [0121] as is the term “alkoxy” at paragraph [0119] and “halo or halogen” at paragraph [0133] in the corresponding published US patent application 2004/0116690

(see attached). It is contended that alkoxy is defined within the specification as originally filed to mean "alkyl-O" (see paragraph [0119]) with alkyl as defined in paragraph [0121]. Halogenated which is synonymous with halo is defined at paragraph [0133] therefore the term "halogenated alkoxy" is described in the specification in such a way that one of ordinary skill in art was in possession of the claimed invention at the time the inventor was filled. Applicants respectfully request reconsideration and withdrawal of the rejection.

III. Claim Objections

Claims 22-38 are objected to as being dependant upon a rejected base claim (Claim 21). Since it is believed that the arguments presented place Claim 21 in condition for allowance the objection is moot.

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Amend dated April 6, 2006
Reply to Office Action of October 12th, 2005

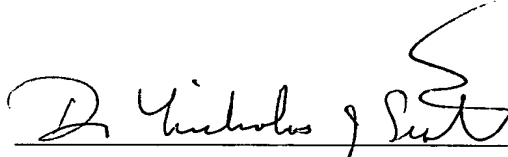
CONCLUSION

It is believed that the Application is in condition for allowance. Applicants respectfully request clarification as to the status of Claims 1-11.

Favorable action on the merits of the claims is earnestly solicited. If any issues remain, please contact the applicants' undersigned representative. The Commissioner is hereby authorized to charge any fees that may be required in connection with the filing of these documents to Deposit Account 16-1445.

Respectfully submitted,

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